

B. CIVIL

1. MENTAL HEALTH CASES

The Committee has adopted performance standards for civil commitment proceedings, for guardianship proceedings in which the authority to administer extraordinary medical treatment is sought (so-called “substituted judgment” or “Rogers” cases), for appeals in such cases, and for proceedings involving the commitment or review of “sexually dangerous persons.” Attorneys who wish to be eligible to accept assignments in such cases must agree to abide by these standards and must complete certain training requirements established by the Committee for Public Counsel Services. In addition, attorneys wishing to accept assignments in proceedings in which authorization is sought to treat residents of long-term care facilities must also meet certain training requirements. Training schedules for each certification category will be published in the Committee's Certification Bulletin, and on the Mental Health Litigation Unit’s web site (www.mass.gov/cpcs/mhp).

CIVIL COMMITMENT AND “ROGERS” CASES

Certification:

Attorneys who wish to be certified to accept assignments in civil commitment proceedings and guardianship proceedings in which the authority to administer extraordinary medical treatment is sought must apply for admission into the program and, if accepted, then must complete a two-part training program, described below. To maintain certification, attorneys must complete at least 8 hours of approved continuing legal education annually. A listing of approved programs will be published periodically on the Mental Health Litigation Unit’s web site (www.mass.gov/cpcs/mhp).

Training Requirement:

Applicants for certification first must complete a four-day training program, “CPCS Mental Health Proceedings and Advocacy for Assigned Counsel,” offered by CPCS through MCLE. Thereafter, applicants must complete an eight-hour training program on the clinical aspects of mental illness and treatment, conducted by the University of Massachusetts Medical Center, Department of Psychiatry, under the auspices of CPCS. Please see MCLE catalogues or the Mental Health Litigation Unit’s web site (www.mass.gov/cpcs/mhp) for dates and locations of the training programs.

Assignment of Cases:

The Mental Health Litigation Unit directly assigns counsel in most civil commitment proceedings in the District Court Department and the Superior Court Department. CPCS provides Probate Courts with lists of certified attorneys from which the Courts make appropriate assignments in “substituted judgment” proceedings.

Performance Requirements:

By accepting mental health case assignments, attorneys agree to abide by the CPCS Civil Commitment Performance Standards and the CPCS Performance Standards for Guardianship with Authority to Administer Extraordinary Medical Treatment. These Performance Standards are found in this manual and at [http://www.mass.gov/cpcs/mhp/mhpstds.htm#performance stds](http://www.mass.gov/cpcs/mhp/mhpstds.htm#performance%20stds).

2. MENTAL HEALTH APPEALS

Certification:

Applicants for mental health appellate certification must first be certified to accept assignments in civil commitment and "Rogers" cases, and must then complete a one-day training program, "Appellate Advocacy and Procedure in Mental Health Cases," offered through MCLE. Please see MCLE catalogues or the Mental Health Litigation Unit's web site (www.mass.gov/cpcs/mhp) for dates and locations of the training program.

Assignment of Cases:

Assignments are made by CPCS upon notification by trial counsel of the filing of an appeal.

Performance Requirements:

By accepting mental health case assignments, attorneys agree to abide by the applicable CPCS Performance Standards, copies of which are found in this manual and at [http://www.mass.gov/cpcs/mhp/mhpstds.htm#performance stds](http://www.mass.gov/cpcs/mhp/mhpstds.htm#performance%20stds).

3. SEXUALLY DANGEROUS PERSON COMMITMENTS AND REVIEWS

Certification:

Certification for assignments in proceedings in which day-to-life commitments to the Treatment Center for Sexually Dangerous Persons in Bridgewater are sought, and for the annual reviews of such commitments, requires completion of a training program, "Defending the Accused: Sexually Dangerous Person Civil Commitments," (sponsored by CPCS and MCLE) and either (i) CPCS certification to accept Superior Court assignments, or (ii) CPCS certification to accept Youthful Offender assignments, or (iii) acceptance by the MHLU Director. Please see MCLE catalogues or the Mental Health Litigation Unit's web site (www.mass.gov/cpcs/mhp) for dates and locations of the training program.

Assignment of Cases:

Assignments are made by the Mental Health Litigation Unit.

Performance Requirements:

By accepting assignments in these cases, attorneys agree to abide by the CPCS Sexually Dangerous Person Commitment Performance Standards. These Performance Standards are found in this manual and at [http://www.mass.gov/cpcs/mhp/mhpstds.htm#performance stds](http://www.mass.gov/cpcs/mhp/mhpstds.htm#performance%20stds).

4. LONG-TERM CARE ROGERS CASES

Certification:

Applicants for certification must first be certified to accept assignments in civil commitment and “Rogers” cases (see above), and must then complete a three-hour training program, "Judicial Authorization to Medicate Residents of Long-Term Care Facilities" (offered through MCLE). Please see MCLE catalogues or the Mental Health Litigation Unit’s web site (www.mass.gov/cpcs/mhp) for dates and locations of the training program.

Assignment of Cases:

Assignments are made by the Probate Court from the list of certified attorneys provided by CPCS.

Performance Requirements:

By accepting assignments in long-term care “Rogers” cases, attorneys agree to abide by the CPCS Performance Standards for Guardianship with Authority to Administer Extraordinary Medical Treatment. These Performance Standards are found in this manual and at [http://www.mass.gov/cpcs/mhp/mhpstds.htm#performance stds](http://www.mass.gov/cpcs/mhp/mhpstds.htm#performance%20stds).